

REMARKS

Applicant requests reconsideration of the application in view of the foregoing amendments and the discussion that follows. The status of the claims as of this response is as follows: Claims 1-6, 13-25, 27, 30 and 31 are pending. Claims 7-12, 26, 28, 29 and 32 were previously canceled. Claims 25, 27, 30 and 31 have been amended herein because the amendments submitted in Applicant's Amendment under 37 C.F.R. 1.116 mailed March 13, 2006, were not entered as indicated in the Advisory Action.

The Amendments

Claims 25, 27, 30 and 31 were amended to eliminate the double usage of "Z." Claim 25 was also amended to recite methylenedioxymphetamine and methylenedioxymethamphetamine in the preamble and to recite R⁹. Claim 27 was also amended to correct numbering of the steps. Claim 30 was amended to recite that Z' is an enzyme. Claims 25, 27, 30 and 31 were amended to recite "n is an integer from 1 to 5. All of the amendments are supported in the specification, for example, the claims as originally filed.

Claim Objections

Claims 25, 27, 30 and 31 were objected to in the Office Action because of informalities, which Applicant believes are obviated by the amendments to those claims.

Rejection under 35 U.S.C. §102

Claims 1-5 were rejected in the Office Action under paragraph (e) of the above code section as being anticipated by Pouletty, et al. (U.S. Patent Publication 2003/0171435 A1) (Pouletty) for reasons set forth in the previous office action.

Accompanying this paper is a Declaration under 37 C.F.R. 1.131 (the "Declaration") signed by one of the inventors in the present application. The Declaration demonstrates that Applicant conceived and reduced to practice an embodiment of the invention of the present claims prior to January 23, 2002, the effective date of Pouletty. In particular, the Declaration shows that Applicant prepared an immunogen in accordance with claim 1 of the present application wherein R¹ is lower alkyl (methyl), R² is -(CH₂)_nC(O)R⁶, R³ is methyl and R⁴ is H, R⁶ is an immunogenic carrier (KLH), and n is 1.

Accordingly, Pouletty is no longer available as a reference against the present application.

Rejection under 35 U.S.C. §103

Claims 6, 13-25, 27 and 30-31 were rejected under 35 U.S.C. §103(a) as unpatentable over Hui, et al. (EP 1,340,981 A2) (Hui) in view of Pouletty for the reasons of record.

Without acquiescing in the rejection of the aforementioned claims, Applicant submits that Pouletty has been removed as a reference against the present application in view of the Declaration. Claims 6, 13-25, 27 and 30-31 are patentable over Hui, who does not disclose or suggest the compounds and methods as claimed wherein the linking group is -O(CH₂)_nC(O)- to an immunogen or a label.

Claims 6, 13-25, 27 and 30-31 were rejected again under 35 U.S.C. §103(a) as unpatentable over Rouhani, et al. (GB 2361473 A) (Rouhani) in view of Pouletty for reasons presented in the previous office action.

Without acquiescing in the rejection of the aforementioned claims, Applicant submits that Pouletty has been removed as a reference against the present application in view of the Declaration. Claims 6, 13-25, 27 and 30-31 are patentable over Rouhani. The reference does not disclose or suggest the compounds and methods as claimed wherein the linking group is -O(CH₂)_nC(O)- to an immunogen or a label.

Conclusion

Applicant has demonstrated that Claims 1-6, 13-25, 27, 30 and 31 satisfy the requirements of 35 U.S.C. §§102 and 103. Claims 25, 27, 30 and 31 were amended to address the informalities set forth in the Office Action. Allowance of the above-identified patent application, it is submitted, is in order.

Respectfully submitted,



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